

## **Assembly Bill No. 1875**

### **CHAPTER 654**

An act to amend Sections 3526, 3533, 21354.3, and 21354.5 of the Government Code, relating to public employees.

[Approved by Governor September 21, 2004. Filed  
with Secretary of State September 21, 2004.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1875, Maldonado. Public employees.

(1) The existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential employees. That law contains provisions relating to participation by supervisory employees in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions.

This bill would require the state employer to provide reasonable advance notice and an opportunity to meet and confer to discuss alternative means of achieving objectives prior to arriving at a determination of policy or course of action directly impacting supervisory employees. The bill would revise the definition of "meet and confer," as specified. The bill would also revise a statement of the purpose of the Bill of Rights for State Excluded Employees.

(2) Under existing law, contracting agencies of the Public Employees' Retirement System may elect to provide retirement benefits to their employees who are local miscellaneous members of the system based on a 3% at age 60 formula or a 2.7% at age 55 formula.

This bill would provide that, when either of those benefits formulas are adopted by the contracting agency, that formula shall supersede other benefit formulas that would otherwise apply with respect to any local miscellaneous member employed by the contracting agency on or after that date.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 3526 of the Government Code is amended to read:

3526. The purpose of this chapter is to inform state supervisory, managerial, confidential, and employees otherwise excepted from coverage under the Ralph C. Dills Act by subdivision (c) of Section 3513

of their rights and terms and conditions of employment, and to inspire dedicated service, to recognize their important and fundamental roles in the management of state government, and to promote harmonious personnel relations among those representing state management in the conduct of state affairs.

SEC. 2. Section 3533 of the Government Code is amended to read:

3533. Upon request, the state shall meet and confer with verified supervisory organizations representing supervisory employees on matters within the scope of representation. Prior to arriving at a determination of policy or course of action directly impacting supervisory employees, the state employer shall provide reasonable advance notice and provide the verified supervisory employee organizations an opportunity to meet and confer with the state employer to discuss alternative means of achieving objectives. Advance notice may be written, oral, or electronic. “Meet and confer” shall mean that the state employer shall consider as fully as it deems reasonable, such presentations as are made by the verified supervisory employee organization on behalf of its supervisory members prior to arriving at a determination of policy or course of action. The final determination of policy or course of action shall be the sole responsibility of the state employer.

When the state employer determines that, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation must be adopted immediately without prior notice or meeting and conferring with excluded employee organizations, the state employer shall provide notice and opportunity to meet and confer at the earliest practical time following the adoption of the law, rule, resolution, or regulation.

SEC. 3. Section 21354.3 of the Government Code is amended to read:

21354.3. (a) The combined current and prior service pensions for a local miscellaneous member is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of retirement, to equal the fraction of one-fiftieth of the member’s final compensation set forth opposite the member’s age at retirement, taken to the preceding completed quarter year, in the following table, multiplied by the number of years of current and prior service except service in a category of membership other than that of local miscellaneous member with which the member is entitled to be credited at retirement:



Age at Retirement	Fraction
50 .....	1.0000
50 $\frac{1}{4}$ .....	1.0125
50 $\frac{1}{2}$ .....	1.0250
50 $\frac{3}{4}$ .....	1.0375
51 .....	1.0500
51 $\frac{1}{4}$ .....	1.0625
51 $\frac{1}{2}$ .....	1.0750
51 $\frac{3}{4}$ .....	1.0875
52 .....	1.1000
52 $\frac{1}{4}$ .....	1.1125
52 $\frac{1}{2}$ .....	1.1250
52 $\frac{3}{4}$ .....	1.1375
53 .....	1.1500
53 $\frac{1}{4}$ .....	1.1625
53 $\frac{1}{2}$ .....	1.1750
53 $\frac{3}{4}$ .....	1.1875
54 .....	1.2000
54 $\frac{1}{4}$ .....	1.2125
54 $\frac{1}{2}$ .....	1.2250
54 $\frac{3}{4}$ .....	1.2375
55 .....	1.2500
55 $\frac{1}{4}$ .....	1.2625
55 $\frac{1}{2}$ .....	1.2750
55 $\frac{3}{4}$ .....	1.2875
56 .....	1.3000
56 $\frac{1}{4}$ .....	1.3125
56 $\frac{1}{2}$ .....	1.3250
56 $\frac{3}{4}$ .....	1.3375
57 .....	1.3500
57 $\frac{1}{4}$ .....	1.3625
57 $\frac{1}{2}$ .....	1.3750
57 $\frac{3}{4}$ .....	1.3875
58 .....	1.4000
58 $\frac{1}{4}$ .....	1.4125
58 $\frac{1}{2}$ .....	1.4250
58 $\frac{3}{4}$ .....	1.4375
59 .....	1.4500
59 $\frac{1}{4}$ .....	1.4625



59 $\frac{1}{2}$ .....	1.4750
59 $\frac{3}{4}$ .....	1.4875
60 and over .....	1.5000

(b) The fraction specified in the above table shall be reduced by one-third as applied to that part of final compensation that does not exceed four hundred dollars (\$400) per month for all services of a member any of whose service has been included in the federal system. This reduction shall not apply to a member employed by a contracting agency that enters into a contract after July 1, 1971, and who elects not to be subject to this subdivision or with respect to service rendered after the termination of coverage under the federal system with respect to the coverage group to which the member belongs.

(c) This section shall supersede Sections 21353, 21354, 21354.4, and 21354.5 with respect to any local miscellaneous member who is employed by a contracting agency on or after the date this section becomes applicable to the contracting agency.

(d) This section shall not apply to a contracting agency nor its employees until the contracting agency elects to make all local miscellaneous members subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local miscellaneous member shall be the effective date of the amendment to his or her employer's contract electing to be subject to this section.

SEC. 4. Section 21354.5 of the Government Code is amended to read:

21354.5. (a) The combined current and prior service pensions for a local miscellaneous member is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of retirement, to equal the fraction of one-fiftieth of the member's final compensation set forth opposite the member's age at retirement, taken to the preceding completed quarter year, in the following table, multiplied by the number of years of current and prior service, except service in a category of membership other than that of a local miscellaneous member, with which the member is entitled to be credited at retirement:

Age at Retirement	Fraction
50 .....	1.0000
50 $\frac{1}{4}$ .....	1.0175

50 $\frac{1}{2}$ .....	1.0350
50 $\frac{3}{4}$ .....	1.0525
51 .....	1.0700
51 $\frac{1}{4}$ .....	1.0875
51 $\frac{1}{2}$ .....	1.1050
51 $\frac{3}{4}$ .....	1.1225
52 .....	1.1400
52 $\frac{1}{4}$ .....	1.1575
52 $\frac{1}{2}$ .....	1.1750
52 $\frac{3}{4}$ .....	1.1925
53 .....	1.2100
53 $\frac{1}{4}$ .....	1.2275
53 $\frac{1}{2}$ .....	1.2450
53 $\frac{3}{4}$ .....	1.2625
54 .....	1.2800
54 $\frac{1}{4}$ .....	1.2975
54 $\frac{1}{2}$ .....	1.3150
54 $\frac{3}{4}$ .....	1.3325
55 and over .....	1.3500

(b) The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation that does not exceed four hundred dollars (\$400) per month for all service of a member any of whose service has been included in the federal system. This reduction shall not apply to a member employed by a contracting agency that enters into a contract after July 1, 1971, and elects not to be subject to this subdivision or with respect to service rendered after the termination of coverage under the federal system with respect to the coverage group to which the member belongs.

(c) This section shall supersede Sections 21353, 21354, and 21354.4 with respect to any miscellaneous member who is employed by a contracting agency on or after the date this section becomes applicable to the contracting agency.

(d) This section shall not apply to a contracting agency nor its employees until the contracting agency elects to make all local miscellaneous members subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local miscellaneous member shall be the



effective date of the amendment to his or her employer's contract electing to be subject to this section.

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